

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. 07-0013 MHP

DOROTHY GRANT,

Plaintiff(s),

vs.

SPHERION PROFESSIONAL SERVICES,

Defendant(s).

**ORDER DENYING  
APPLICATION TO  
PROCEED IN FORMA  
PAUPERIS AND  
DISMISSING  
COMPLAINT**


Plaintiff filed this action on January 3, 2007. The action was related to a prior action filed by plaintiff against this same defendant in this court, C-03-5819 MHP. Plaintiff also seeks to proceed *in forma pauperis*.

The complaint in C-03-5819 MHP was dismissed on February 13, 2006 for plaintiff's failure to appear on several occasions, her failure to participate in the court's special mediation program which was established particularly to assist persons such as plaintiff who were appearing without counsel, and for her failure to obey orders of the court. Nearly a year later plaintiff files this action which is a duplicate of the earlier action. In fact, the complaint is identical. It complains of conduct that occurred in 2002 and alleges that plaintiff was issued a Notice of Right to Sue by the Equal Employment Opportunity Commission on October 4, 2003.

1 Plaintiff cannot resuscitate a dismissed complaint by filing the same one after having failed  
2 to pursue and prosecute the original one.

3 For the reasons stated in the court's order in C-03-5819, this complaint is DISMISSED with  
4 prejudice and plaintiff's application to proceed *in forma pauperis* is DENIED.

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7 Date: September 28, 2007

  
MARILYN HALL PATEL  
Judge  
United States District Court  
Northern District of California